



Express Mail No. EV452776158US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mueller et al. Confirmation No.: 6135
Serial No.: 09/816,832 Art Unit: 3739
Filed: March 22, 2001 Examiner: David M. Shay
For: PHOTOATHEROLYTIC CATHETER Attorney Docket No.: 10177-141-999
APPARATUS AND METHOD CAM: 008563-999139

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 22, 2005 of the Primary Examiner finally rejecting claims 1-13 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for 1 month(s):
☐ was filed on
☒ is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☒ A fee in the amount of \$500.00 is:
☒ Required.
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:
☐ Required.
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: December 27, 2005

54,390

Brent P. Ray
JONES DAY

(Reg. No.)

222 East 41st Street
New York, New York 10017
(212) 326-3939

01/03/2006 DTESSEM1 00000027 503013 09816832

02 FC:1401 500.00 DA